



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:** Peppel et al.

**Docket No.:** OOMP0001C

**Serial Number:** 09/735,586

**Group Art Unit:** 2132

**Filed:** 12/12/00

**Examiner:** B. Lanier

**Title:** Electronic Trading Card

November 14, 2002

Commissioner of Patents and Trademarks  
Washington, DC 20231

**Declaration of Counsel - Michael A. Glenn pursuant to Applicant's**  
**declaration under 37 C.F.R. § 1.131**

This Declaration is provided in connection with Applicant's response to the Office Action dated 28 August 2002 in the above-identified patent application.

1. My name is Michael A. Glenn and I am Applicant's attorney in preparing and prosecuting the subject patent application.
  
2. I have reviewed the Smith reference, US Patent Number 5,533,124. In particular, I have reviewed the claims in the Smith patent in view of the claims pending in the above identified patent application, including those claims which accompanied Applicant's Preliminary Amendment in that application.
  
3. The subject application does not claim the same subject matter as that claimed in the Smith reference.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



---

Michael A. Glenn

  
11/14/02

---

DATE